

CHAPTER 5

COSMETOLOGY

This chapter is repealed effective January 1, 2015

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ARTICLE 1. GENERAL PROVISIONS

32-501. Definitions

In this chapter, unless the context otherwise requires:

1. "Aesthetician" means a person who is licensed to practice skin care pursuant to this chapter.

2. "Aesthetics" means any one or a combination of the following practices if they are performed for cosmetic purposes:

(a) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.

- (b) Arching eyebrows or tinting eyebrows and eyelashes.
- (c) Removing superfluous hair by means other than electrolysis.
- 3. "Board" means the board of cosmetology.
- 4. "Cosmetic purposes" means for the purpose of beautifying, preserving or conferring comeliness, excluding therapeutic massage and manipulations.
- 5. "Cosmetologist" means a person licensed to practice cosmetology pursuant to this chapter.
- 6. "Cosmetology" means any one or a combination of the following practices if they are performed for cosmetic purposes:
 - (a) Cutting, clipping or trimming hair.
 - (b) Massaging, cleansing, stimulating, manipulating, exercising, beautifying or applying oils, creams, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical appliances.
 - (c) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, singeing, bleaching, dyeing, tinting, coloring or similarly treating hair.
 - (d) Arching eyebrows or tinting eyebrows and eyelashes.
 - (e) Removing superfluous hair by means other than electrolysis.
 - (f) Nail technology.
- 7. "Electrical appliances" means devices that use electrical current and includes lasers and IPL devices as defined in section 32-516.
- 8. "Instructor" means a person licensed to teach cosmetology, aesthetics or nail technology, or any combination thereof, pursuant to this chapter.
- 9. "Nail technician" means a person licensed to practice nail technology pursuant to this chapter.
- 10. "Nail technology" means:
 - (a) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person's nails.
 - (b) Applying artificial nails.
 - (c) Massaging and cleaning a person's hands, arms, legs and feet.
- 11. "Salon" means any of the following:
 - (a) An establishment operated for the purpose of engaging in the practice of cosmetology, aesthetics or nail technology, or any combination of the listed practices.
 - (b) An establishment together with a retrofitted motor vehicle for exclusive use as a mobile facility for the purpose of engaging in the practice of cosmetology, aesthetics or nail technology, or any combination of the listed practices that is operated and dispatched through the establishment.
 - (c) A retrofitted motor vehicle exclusively used as a mobile facility for the purpose of engaging in the practice of cosmetology, aesthetics or nail technology, or any combination of the listed practices that is operated and dispatched from a business that has a physical street address that is on file with the board.
- 12. "School" means an establishment operated for the purpose of teaching cosmetology, aesthetics or nail technology, or any combination of the listed practices.

Last legislative year: 2008

Recent legislative history: Laws 2004, Ch. 102, § 1; Laws 2008, Ch. 232, § 1.

32-502. Board of cosmetology; appointment, qualifications; terms

A. A board of cosmetology is established consisting of the following seven members appointed by the governor:

- 1. Two cosmetologists who have been actively practicing in this state for at least three years immediately preceding appointment.
- 2. One nail technician who has been actively practicing in this state for at least three years immediately preceding appointment.
- 3. One instructor who has been actively practicing in this state for at least three years immediately preceding appointment.
- 4. One school owner.

5. One educator who does not represent the cosmetology or nail technology industry and is not involved in the manufacture of cosmetology or nail technology products.

6. One public member who is not and has never been associated with the cosmetology or nail technology industry, licensed as a cosmetologist or nail technician or involved in the manufacture of cosmetology or nail technology products.

B. The term of office for members is three years beginning and ending June 22.

C. Board members shall not serve more than two consecutive terms.

D. The governor may remove board members for neglect of duty, malfeasance or misfeasance.

Last legislative year: 1987

32-503. Organization; meetings; personnel; compensation

A. The board shall annually elect a chairman, vice-chairman and secretary-treasurer from among its membership.

B. The board shall hold at least one regular meeting monthly and may hold other meetings at times and places it designates.

C. The board may employ the following personnel as it deems necessary to carry out the purposes of this chapter and designate their duties:

1. An executive director who shall have been a licensed cosmetologist for at least one of the five years immediately preceding employment.

2. A supervisor of examinations who is an instructor licensed pursuant to this chapter and has worked at least two of the five years immediately preceding employment as an instructor in a school licensed pursuant to this chapter.

3. Examiners who shall not be employed as instructors in any school licensed pursuant to this chapter.

4. Other permanent or temporary personnel.

D. Members of the board are eligible to receive compensation as determined pursuant to section 38-611 for each day of actual service in the business of the board. The board shall compensate its executive director and other permanent and temporary personnel as determined pursuant to section 38-611.

Last legislative year: 1984

32-504. Powers and duties

A. The board shall:

1. Adopt rules which are necessary and proper for the administration of this chapter, including sanitary and safety requirements for salons and schools and sanitary and safety standards for the practice of cosmetology, aesthetics and nail technology.

2. Administer and enforce this chapter and rules adopted pursuant to this chapter.

3. Either prepare, administer and grade practical and written examinations or contract with a national professional organization for cosmetology selected by the board to prepare, administer and grade practical and written examinations.

4. Make and maintain a record of its acts and proceedings including the issuance, denial, renewal, suspension or revocation of licenses and public reproofs of licensees.

5. Evidence its official acts by the signature of the chairman or vice-chairman of the board or a representative designated by the board.

6. Keep records of the board open to public inspection at all reasonable times.

7. Make an annual report to the governor on or before October 1 of each year covering its official acts and financial transactions during the preceding fiscal year and making recommendations it deems necessary.

8. Prescribe minimum school curriculum requirements for cosmetologists, aestheticians, nail technicians and instructors.

9. Prescribe standards and requirements for the provision of salon services through mobile units and in customer locations.

B. The board may inspect the premises of any salon or school during business hours.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 147, § 1.

32-505. Board of cosmetology fund

A. The board of cosmetology fund is established. Except as provided in subsection C of this section, before the end of each calendar month, pursuant to sections 35-146 and 35-147, the board shall deposit ten per cent of all monies from whatever source which come into the possession of the board in the state general fund and deposit the remaining ninety per cent in the board of cosmetology fund.

B. Except as provided in section 32-573, subsection G, monies deposited in the board of cosmetology fund are subject to section 35-143.01.

C. Monies from civil penalties received pursuant to section 32-571 shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 147, § 2; Laws 2000, Ch. 193, § 271.

32-506. Nonapplicability of chapter

This chapter does not apply to the following persons while in the proper discharge of their professional duties:

1. Practices done for the treatment of physical or mental ailments or disease by medical practitioners licensed pursuant to this title.
2. Commissioned physicians and surgeons serving in the armed forces of the United States or other federal agencies.
3. Persons licensed pursuant to chapter 3 or 12 of this title.
4. Students attending schools licensed pursuant to this chapter while they are on school premises during school hours.
5. Persons employed by theatrical groups who apply makeup, oils and cosmetics.
6. Persons who sell makeup oils and cosmetics and who apply such products during the process of selling such products.
7. Shampoo assistants who shampoo hair under the direction of a cosmetologist licensed pursuant to this chapter.
8. Services performed by and for persons in the custody of the state department of corrections.
9. Persons who apply makeup, oils and cosmetics to patients in a hospital, nursing home or supervisory care home with the consent of the patient and the hospital, nursing home or supervisory care home.
10. Persons who provide a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding, if the service does not include the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair.

Last legislative year: 2004

Recent legislative history: Laws 2004, Ch. 102, § 2.

32-507. Fees

A. The board shall establish and collect fees not to exceed the following:

1. Written examination, one hundred dollars.
2. Practical examination, one hundred dollars.
3. Application for initial personal license, forty-five dollars.
4. Application for personal reciprocity license, one hundred twelve dollars.
5. Application for salon license, one hundred twelve dollars.
6. Application for school license, six hundred dollars.
7. Application for certification of licensure or hours, thirty dollars.
8. Personal license renewal, thirty-eight dollars.
9. Personal license delinquent renewal, sixty dollars.

10. Salon license renewal, fifty dollars.
11. Salon license delinquent renewal, eighty dollars.
12. School license renewal, five hundred dollars.
13. School license delinquent renewal, six hundred dollars.
14. Delinquent penalties for each year or portion of a year for which the license was inactive.
15. Computer printouts of names of licenses, twenty-five cents per name.
16. Duplicate license, thirty dollars.
17. Dishonored checks, twenty dollars.
18. Copying charges, one dollar per page. For audiotapes, videotapes, computer discs or other mediums used for recording sounds, images or information, fifteen dollars per tape, disc or other medium.
19. Board administered educational classes, one hundred dollars.
20. Review of examination, fifty dollars.
21. Regrading of examinations, twenty-five dollars.
22. Service charges for persons who pay with alternative payment methods including credit cards, charge cards, debit cards and electronic transfers, not to exceed the cost of the alternative payment method.
 - B. The board may charge additional fees for:
 1. Documents and publications provided by the board.
 2. Services which the board deems appropriate to carry out its intent and purpose. These additional fees shall not exceed the costs of rendering the services.
 - C. The board shall only issue a duplicate license on receipt of a written request which states the reason for the request for a duplicate license.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 3.

ARTICLE 2. COSMETOLOGISTS, AESTHETICIANS AND NAIL TECHNICIANS

32-510. Aestheticians; applications; qualifications

A person is entitled to receive an aesthetician's license if the person:

1. Submits to the board an application for an aesthetician's license on a form supplied by the board.
2. Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules or submits to the board satisfactory evidence that the person is at least twenty-three years of age.
3. Submits to the board satisfactory evidence of either of the following:
 - (a) That the person is a graduate of an aesthetician school in another state or country that has substantially the same requirements as this state for schools licensed pursuant to this chapter.
 - (b) That the person is a graduate of an aesthetician course consisting of at least six hundred hours of training in a school licensed pursuant to this chapter.
4. Passes the examination for an aesthetician's license.
5. Pays the prescribed fees for an aesthetician's license.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 4.

32-511. Cosmetologist; applications; qualifications

A person is entitled to receive a cosmetologist license if the person:

1. Submits to the board an application for a cosmetologist license on a form supplied by the board.
2. Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules or submits satisfactory evidence that the person is at least twenty-three years of age.
3. Submits to the board satisfactory evidence of either of the following:

(a) That the person is a graduate of a cosmetology course consisting of at least sixteen hundred hours of training in a school licensed pursuant to this chapter.

(b) That the person is a graduate of a cosmetology school in another state or country that had at the time of the person's graduation substantially the same requirements as this state for schools licensed pursuant to this chapter.

4. Passes the examination for a cosmetologist license.

5. Pays the prescribed fees.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 5.

32-512. Nail technician; applications; qualifications

A person is entitled to receive a license to practice nail technology if the person does all of the following:

1. Submits to the board an application for a nail technician license on a form supplied by the board.

2. Completes and receives appropriate credits for at least two years of high school education or its equivalent as prescribed by the board in its rules or submits satisfactory evidence that the person is at least twenty-three years of age.

3. Submits to the board satisfactory evidence of either of the following:

(a) That the person graduated from a nail technology school in another state or country that had at the time of the person's graduation substantially the same requirements as this state for schools licensed pursuant to this chapter.

(b) That the person completed a nail technician course consisting of at least six hundred hours of training in a school licensed pursuant to this chapter.

4. Pays the prescribed fees for a nail technician's license.

5. Passes the examination for a nail technician license.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 6.

32-513. Reciprocity

Notwithstanding sections 32-510, 32-511 and 32-512, a person is entitled to receive a cosmetologist, aesthetician or nail technician license if the person:

1. Submits to the board an application for a cosmetologist, aesthetician or nail technician license on a form supplied by the board.

2. Submits to the board satisfactory evidence of either of the following:

(a) The person is licensed in another state or country.

(b) The person graduated from a school that offers a cosmetology, aesthetics or nail technology course substantially similar to the requirements of this state and passed the board approved cosmetology, aesthetician or nail technician examination.

3. Pays the prescribed fees.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 7.

32-514. Examinations

A. The board or a national professional organization for cosmetology selected by the board shall administer written and practical examinations for a cosmetologist, aesthetician, nail technician or instructor license. The examinations shall test for requisite knowledge and skills in the technical application of cosmetology services.

B. The board or a national professional organization for cosmetology selected by the board shall inform each applicant of the examination results.

C. The board shall make an accurate record of each examination.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 8.

32-515. Reexaminations

A. An applicant who fails an examination for a license pursuant to this article is entitled to a reexamination.

B. If an applicant fails either part of the examination the applicant shall only retake the part of the examination that the applicant failed.

C. If one year or more elapses between an applicant's initial examination and reexamination, the applicant shall take both the written and practical parts of the examination.

D. An applicant desiring to be reexamined shall apply to the board on forms it prescribes and furnishes and pay the prescribed examination fee.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 9.

32-516. Aestheticians; cosmetic laser and IPL device use; certification; fees; definitions

A. An aesthetician who wishes to perform cosmetic laser procedures and procedures using IPL devices must:

1. Apply for and receive a certificate from the agency.

2. Comply with the requirements of this section and agency rules.

3. Successfully complete forty hours of didactic training as required by agency rules at an agency certified training program. The program shall provide a provisional certificate to the applicant verifying the successful completion of the didactic training.

4. For hair removal, complete hands-on training that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of actual hands-on use of lasers or IPL devices. The supervising health professional or laser technician shall verify that the aesthetician has completed the training and supervision as prescribed by this section.

5. For other cosmetic laser and IPL device procedures, complete a minimum of an additional twenty-four hours of hands-on training of at least ten cosmetic procedures for each type of specific procedure that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of actual hands-on use of lasers or IPL devices. The supervising health professional or laser technician shall verify that the aesthetician has completed the training and supervision as prescribed by this section.

6. Submit to the agency the provisional certificate from the training program and certification by the health professional or laser technician who directly supervised the applicant in the room during the hands-on training.

B. The agency shall issue a laser technician certificate authorizing the aesthetician to use lasers and IPL devices if the applicant has completed the training for hair removal or lasers and IPL devices for other cosmetic procedures, as applicable, and shall maintain a current register of those laser technicians in good standing and whether certification is for hair removal only or other cosmetic procedures as well. The agency may establish a fee for the registration of aestheticians as laser technicians and the issuance of certificates pursuant to this subsection. The agency shall deposit monies collected pursuant to this subsection in the laser safety fund established by section 32-3234.

C. An aesthetician who has been certified as a laser technician by the agency may use a laser or IPL device:

1. For hair removal under the indirect supervision of a health professional whose scope of practice permits the supervision.

2. For cosmetic purposes other than hair removal if the aesthetician is directly supervised by a health professional whose scope of practice permits the supervision and the aesthetician has been certified in those procedures.

D. The board shall investigate any complaint from the public or from another board or agency regarding a licensed aesthetician who performs cosmetic laser procedures or procedures using IPL devices pursuant to this section. The board shall report to the agency any complaint it receives about the training or performance of an aesthetician who is certified as a laser technician.

E. An aesthetician who has been using laser and IPL devices before the effective date of this section may continue to do so if the aesthetician applies for and receives a certificate pursuant to this section within one year after the effective date of this section.

F. For the purposes of this section:

1. "Agency" means the radiation regulatory agency.

2. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.

3. "Health professional" means a person licensed pursuant to chapter 13, 14, 15, 17 or 25 of this title.

4. "Indirect supervision" means supervision by a health professional who is licensed in this state and whose scope of practice allows the supervision and who is readily accessible by telecommunication.

5. "IPL device" means an intense pulse light class II surgical device certified in accordance with the standards of the agency for cosmetic procedures.

6. "Laser" means any device that can produce or amplify electromagnetic radiation with wavelengths in the range of one hundred eighty nanometers to one millimeter primarily by the process of controlled stimulated emission and certified in accordance with the standards for the agency for cosmetic procedures.

7. "Laser technician" means a person who is or has been certified by the agency pursuant to its rules and chapter 32, article 2 of this title.

Last legislative year: 2008

Recent legislative history: Laws 2008,
Ch. 232, § 2.

32-517. License renewal

A. Except as provided in section 32-4301, a cosmetologist, aesthetician or nail technician shall renew his license on or before his birth date every year.

B. A cosmetologist, aesthetician or nail technician shall submit an application for renewal accompanied by the prescribed renewal fee in order to renew his license.

C. A cosmetologist, aesthetician or nail technician who fails to renew his license on or before his birth date shall also pay the prescribed delinquent renewal penalty in order to renew his license.

Last legislative year: 2008

Recent legislative history: Laws 2008,
Ch. 183, § 6.

32-518. Inactive licenses; reactivation

A. A license which is not renewed pursuant to section 32-517 automatically reverts to inactive status.

B. The board shall mail notice of renewal and possible reversion to inactive status to the last known address of the licensee at least sixty days before reversion to inactive status.

C. A licensee may reactivate an inactive license:

1. If a license has been inactive for less than one year, by paying the prescribed delinquent renewal penalty.

2. If a license has been inactive for one year or more but less than ten years, by paying the prescribed delinquent renewal penalty and submitting proof of satisfying educational requirements prescribed by the board in its rules.

- D. A license which has been inactive for ten years is automatically suspended.
- E. A licensee shall not practice under an inactive license.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 11.

ARTICLE 3. INSTRUCTORS

32-531. Instructor; applications; qualifications

A person is entitled to receive a license to teach cosmetology, aesthetics or nail technology in a school if the person does all of the following:

1. Submits to the board an application for an instructor license on a form prescribed by the board.
2. Holds a diploma from a high school or its equivalent as prescribed by the board in its rules or submits to the board satisfactory evidence that the person is at least twenty-three years of age.
3. Is a licensed cosmetologist, aesthetician or nail technician and complies with either of the following:
 - (a) Has practiced for at least one year, has passed the school examination and has received the following hours of instructor training:
 - (i) For a cosmetologist instructor, six hundred fifty hours.
 - (ii) For an aesthetics instructor, five hundred hours.
 - (iii) For a nail technician instructor, three hundred fifty hours.
 - (b) Has five years of licensed industry experience within the ten years preceding the application and meets requirements as prescribed by the board in its rules.
4. Passes the examination for an instructor license.
5. Pays the prescribed fees.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 12.

32-532. Instructor reciprocity

Notwithstanding section 32-531, a person is entitled to receive a license to teach cosmetology, aesthetics or nail technology in a school if the person submits to the board an application for an instructor license on a form prescribed by the board, pays the prescribed fees and complies with one of the following:

1. Is a current licensed cosmetologist, aesthetician or nail technician instructor in another state or country.
2. Does all of the following:
 - (a) Holds a diploma from a high school or its equivalent as prescribed by the board in its rules or submits to the board satisfactory evidence that the person is at least twenty-three years of age.
 - (b) Is a licensed cosmetologist, aesthetician or nail technician in another state or country.
 - (c) Completes instructor training in another state or country which has instructor education requirements which are at least substantially equivalent to those of this state.
 - (d) Passes the examination for an instructor license.
3. Does all of the following:
 - (a) Has five years of licensed industry experience within the ten years preceding application.
 - (b) Holds a high school diploma or its equivalent as prescribed by the board in its rules or submits to the board satisfactory evidence that the person is at least twenty-three years of age.
 - (c) Meets requirements as prescribed by the board in its rules.
 - (d) Passes the examination for an instructor license.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 13.

32-533. Instructor examinations; reexaminations

- A. An examination for an instructor license shall be written and practical.
- B. The board shall inform each applicant of the applicant's examination results in writing.
- C. The board shall make an accurate record of each examination.
- D. An applicant who fails any part of the examination twice shall attend a school licensed pursuant to this chapter for two hundred fifty hours of instructor training.
- E. An applicant desiring to be reexamined shall apply to the board on forms it prescribes and furnishes and pay the prescribed examination fee.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 14.

32-535. Instructor license renewal

- A. Except as provided in section 32-4301, an instructor shall renew his license on or before his birth date every year.
- B. An instructor shall submit an application for renewal accompanied by the prescribed renewal fee in order to renew his license.
- C. An instructor who fails to renew his license on or before his birth date shall also pay the prescribed delinquent renewal penalty in order to renew his license.

Last legislative year: 2008

Recent legislative history: Laws 2008,
Ch. 183, § 7.

32-536. Instructor practice; instruction

- A. An instructor may practice in the category of practice he is licensed to practice in a salon licensed pursuant to this chapter.
- B. An instructor shall teach only in the area he is licensed by the board to teach.

Last legislative year: 1984

32-537. Instructor; inactive licenses; reactivation; suspension

- A. An instructor license which is not renewed pursuant to section 32-535 automatically reverts to inactive status.
- B. The board shall mail notice of renewal and possible reversion to inactive status to the last known address of the licensee at least sixty days before reversion to inactive status.
- C. A licensee may reactivate an inactive license:
 - 1. If a license has been inactive for less than one year, by paying the prescribed delinquent renewal penalty.
 - 2. If a license has been inactive for one year or more but less than ten years, by paying the prescribed delinquent renewal penalty and submitting proof of satisfying educational requirements prescribed by the board in its rules.
- D. A license which has been inactive for ten years is automatically suspended.
- E. A licensee shall not practice under an inactive license.

Last legislative year: 2000

Recent legislative history: Laws 2000,
Ch. 147, § 16.

ARTICLE 4. SALONS

32-541. Salon requirements

- A. A person is entitled to receive a license to operate a salon if the person:

1. Submits to the board an application for a salon license on a form supplied by the board.
2. Pays the prescribed fee.
- B. The safety and sanitary requirements specified by the board in its rules shall be requirements while a salon is operating.
- C. Each salon shall have an individual licensed pursuant to this chapter designated as the manager of the salon.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 147, § 17.

32-542. Salon inspections

- A. The board shall inspect all proposed salons to determine if all of the requirements are met. The board may issue a license to a salon pending inspection of the salon as it deems appropriate.
- B. The board shall inspect salons on a regular basis as it deems necessary.

Last legislative year: 1984

32-543. Required display

Salons shall display the following in a conspicuous location which is readily observable by any patron:

1. The current salon license.
2. The current licenses for cosmetologists, aestheticians or nail technicians practicing in the salon.
3. The latest inspection sheet.

Last legislative year: 1987

32-544. Salon license renewal

A. Except as provided in section 32-4301, a salon license is renewable each year on or before the anniversary date of the first license by meeting all the requirements for a salon license and paying the prescribed renewal fee.

B. A salon owner who fails to renew the owner's salon license each year by the anniversary date of the license shall apply pursuant to section 32-541 and pay the prescribed fee and delinquent renewal penalty.

Last legislative year: 2008

Recent legislative history: Laws 2000, Ch. 147, § 18; Laws 2008, Ch. 183, § 8.

32-545. Transfer of ownership or location; change of trade name

A. A salon shall not be transferred from the name of one licensee to another or from one location to another or change its trade name without filing a new application and paying the prescribed fee.

B. A salon owner shall notify the board of any transfer of his salon or change in the salon's trade name in writing within ten days after the transfer or change and pay the prescribed fee.

Last legislative year: 1984

ARTICLE 5. SCHOOLS

32-551. School licenses; applications; requirements

A. A person is entitled to a license to operate a school if:

1. He pays the prescribed fee.
2. He furnishes a surety bond in the amount of ten thousand dollars approved by the board and executed by a corporate bonding company authorized to do business

in this state. The bond shall be for the benefit of and subject to the claims of the state for failure to comply with the requirements of this chapter and any student who fails to receive the full course of instruction required under this chapter.

3. He submits to the board under oath an application for a school license on a form supplied by the board and other documentation required by the board in its rules.

4. The proposed school passes an inspection by the board before it opens.

B. An incomplete application shall be returned to an applicant within thirty days after the board receives it with the causes for the return.

Last legislative year: 1984

32-552. Transfer of ownership or location; change of trade name

A. A school shall not be transferred from the name of one licensee to another or from one location to another or change its trade name without filing a new application and paying the prescribed fee.

B. A school owner shall notify the board of any transfer of his school or change in the school's trade name within ten days after the transfer or change, submit a new license application for the school and pay the prescribed fee.

Last legislative year: 1984

32-553. Instruction staff

A. Instructors shall not apply their time to private practice with or without compensation in a school.

B. Students shall be under the constant supervision of an instructor.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 147, § 19.

32-554. Required display

Schools shall display the following in a conspicuous location:

1. The current school license.
2. The current licenses of instructors teaching in the school.
3. The latest inspection sheet.

Last legislative year: 1984

32-555. Equipment

A school shall contain sufficient equipment as prescribed by the board in its rules.

Last legislative year: 1984

32-556. Separation of schools from other businesses

A school of any type, including a cosmetology school or otherwise, shall not be conducted with any other business, including a salon. A school of any type, including a cosmetology school or otherwise, and another business shall be separated by walls of permanent construction and not have doors or openings between them. A cosmetology school may offer for sale cosmetology products and related articles.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 147, § 20.

32-557. Services for the public; restrictions

A. Students may render services to the public only under the direct supervision of an instructor.

B. The following notice shall be posted in a conspicuous place within the school in letters large enough to be read across the length of the room, "school of cosmetology - work done exclusively by students."

C. A student in a school shall not receive a salary or commission from the school for any cosmetology, aesthetics or nail technology services while he is enrolled in the school as a student.

D. A school shall post a price list for services rendered to the public which is large enough to be easily read from a distance of ten feet.

Last legislative year: 1987

32-558. Student-school contracts

A private school is required to execute a contract between itself and a student in duplicate. The form of the contract shall be approved by the board. A contract between a school and a student shall bear the signature of a school official and the student or parent or guardian if the student is under eighteen years of age. A fully executed copy of the contract shall be given to the student and the school shall keep the original copy.

Last legislative year: 1984

32-559. School catalogs

A. A private school shall submit a copy of its official catalog to the board for board approval.

B. A private school catalog shall contain the following:

1. Name and address of the school.
2. Date of publication.
3. Admission requirements and procedures used by the school.
4. Number of hours of training required for licensure.
5. A brief outline of the curriculum offered by the school.
6. A description of the school's general physical facilities and equipment.
7. Policies relating to tardiness, absences, make-up work, conduct, termination and other rules of the school.
8. The grading system, including a definition of credit units if any.
9. The type of document awarded on graduation from the school.

Last legislative year: 1984

32-560. Transfer procedures

A student who desires to transfer from one school to another shall execute an application for transfer form prescribed by the board. The transferring school shall complete the application for transfer in triplicate and forward the requested information to the board within three days after the student executes the application for transfer.

Last legislative year: 1984

32-561. Student records

A school shall keep records as prescribed by the board in its rules on file for each student enrolled or reenrolled in a school for a regular course, postgraduate course or additional hours.

Last legislative year: 1984

32-562. School inspections

The board shall inspect schools on a regular basis as it deems necessary.

Last legislative year: 1984

32-563. School closings

A. Within five days after a school closes it shall notify the board by certified mail of the closure.

B. Within ten days after a school closes it shall forward all student records to the board.

Last legislative year: 1984

32-564. School license renewal

A. Except as provided in section 32-4301, school licenses are renewable on or before June 30 of every year by meeting all the requirements for a school license and paying the prescribed renewal fee.

B. A school owner who fails to renew his school license by June 30 of every year shall apply pursuant to section 32-551 and pay the prescribed fee and delinquent renewal penalty.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 183, § 9.

ARTICLE 6. REGULATION

32-571. Disciplinary action

The board may take any one or a combination of the following disciplinary actions:

1. Revoke a license.
2. Suspend a license.
3. Impose a civil penalty in an amount not to exceed two thousand dollars.
4. Impose probation requirements best adapted to protect the public safety, health and welfare including requirements for restitution payments to patrons.
5. Publicly reprove a licensee.
6. Issue a letter of concern.

Last legislative year: 1984

32-572. Grounds for disciplinary action or refusal to issue or renew license; definition

A. The board may take disciplinary action or refuse to issue or renew a license for any of the following causes:

1. Continued performance of cosmetology, aesthetics or nail technology services by a person knowingly having an infectious or communicable disease.
2. Conviction of a crime.
3. Commission of an act involving dishonesty, fraud or deceit with the intent to substantially benefit oneself or another or substantially injure another.
4. Malpractice or incompetency.
5. Knowingly advertising by means of false, misleading, deceptive or fraudulent statements through communication media.
6. Violating any provision of this chapter or any rule adopted pursuant to this chapter.
7. Making oral or written false statements to the board.
8. Repeated failure to correct infractions of safety and sanitary requirements prescribed by the board in its rules.
9. Failing to comply with an order of the board.

B. A conviction of a crime or act shall not be a cause of refusal to issue or renew a license unless the crime or act is substantially related to the qualifications, functions or duties of the license for which application is made.

C. The expiration, cancellation, suspension or revocation of a license or a licensee's voluntary surrender of a license does not deprive the board of jurisdiction to do any of the following:

1. Proceed with an investigation of a licensee.
2. Proceed with an action or disciplinary proceeding against a licensee.
3. Suspend or revoke a license.
4. Deny the renewal or right of renewal of a license.

D. For the purposes of this section, "conviction" means a plea or verdict of guilty or a conviction following a plea of no contest.

Last legislative year: 2005

Recent legislative history: Laws 2000, Ch. 147, § 21; Laws 2005, Ch. 204, § 1.

32-573. Procedure for disciplinary action; appeal

A. The board on its own motion may investigate any information which appears to show the existence of any of the causes set forth in section 32-572. The board shall investigate the report of any person which appears to show the existence of any of the causes set forth in section 32-572. A person who reports pursuant to this section and who provides the information in good faith is not subject to liability for civil damages as a result.

B. If, after completing its investigation, the board finds that the evidence is not of sufficient seriousness to merit direct action against a license, it may take either of the following actions:

1. Dismiss if, in the opinion of the board, the evidence is without merit.
2. File a letter of concern if, in the opinion of the board, while there is insufficient evidence to support direct action against the license there is sufficient evidence for the board to notify the licensee that continuation of the activities which led to the information or report being made to the board may result in action against the licensee's license.

C. If, in the opinion of the board, it appears the information or report is or may be true, the board shall request an informal interview with the licensee concerned. The interview shall be requested by the board in writing, stating the reasons for the interview and setting a date not less than ten days from the date of the notice for conducting the interview.

D. If, after an informal interview, the board finds that the evidence warrants suspension or revocation of a license issued pursuant to this chapter, imposition of a civil penalty or public reproof or if the licensee under investigation refuses to attend the informal interview, a complaint shall be issued and formal proceedings shall be initiated. All proceedings pursuant to this subsection shall be conducted in accordance with Title 41, Chapter 6, Article 10.

E. A licensee who has been notified pursuant to subsection D of this section of charges pending against the licensee shall file with the board an answer in writing to the charges not more than thirty days after the licensee receives the complaint. If the licensee fails to answer in writing within this time, it is deemed an admission by the licensee of the acts charged in the complaint and the board may take disciplinary action allowed by this chapter without a hearing.

F. If the board finds that the evidence is not of sufficient seriousness to merit suspension or revocation of a license issued pursuant to this chapter, imposition of a civil penalty or public reproof it may take the following actions:

1. Dismiss if, in the opinion of the board, the evidence is without merit.
2. File a letter of concern if, in the opinion of the board, while there is insufficient evidence to support direct action against the license there is sufficient evidence for the board to notify the licensee that continuation of the activities which led to the information or report being made to the board may result in action against the licensee's license.

3. Impose probation requirements.

G. If a licensee violates this chapter or a rule adopted pursuant to this chapter, the board may assess the licensee with the board's reasonable costs and expenses incurred in conducting the investigation and administrative hearing. All monies

collected pursuant to this subsection shall be deposited, pursuant to sections 35-146 and 35-147, in a separate account in the board of cosmetology fund established by section 32-505. The board may only use these monies to defray its expenses in connection with an investigation and an administrative hearing. Notwithstanding section 35-143.01 the separate account monies may be spent without legislative appropriation.

H. Except as provided in section 41-1092.08, subsection H, final decisions of the board are subject to judicial review pursuant to Title 12, Chapter 7, Article 6.

Last legislative year: 2001

Ch. 113, § 79; Laws 2000, Ch. 147, § 22; Laws 2001, Ch. 117, § 17.

Recent legislative history: Laws 2000,

32-574. Unlawful acts; violation; classification

A. A person shall not:

1. Perform or attempt to perform cosmetology, aesthetics or nail technology without a license in that category issued pursuant to this chapter, or practice in a category in which the person does not hold a license.

2. Operate a salon unless it is at all times under the direct supervision and management of a person who is licensed pursuant to this chapter as a cosmetologist, aesthetician, nail technician or instructor and who is working as a licensee in the salon.

3. Display a sign or in any way advertise or hold oneself out as a cosmetologist, aesthetician or nail technician or as being engaged in the practice or business of cosmetology, aesthetics or nail technology without being licensed pursuant to this chapter.

4. Knowingly make a false statement on an application for a license pursuant to this chapter.

5. Permit an employee or another person under the person's supervision or control to perform cosmetology, aesthetics or nail technology without a license issued pursuant to this chapter.

6. Practice or attempt to practice cosmetology, aesthetics or nail technology in any place other than in a salon licensed pursuant to this chapter unless the person is requested by a customer to go to a place other than a salon licensed pursuant to this chapter and is sent to the customer from the salon.

7. Obtain or attempt to obtain a license by the use of money other than the prescribed fees or any other thing of value or by fraudulent misrepresentation.

8. Provide any service to a person having a visible disease, pediculosis or open sores suggesting a communicable disease until the person furnishes a statement signed by a physician licensed pursuant to chapter 13 or 17 of this title stating that the disease or condition is not in an infectious, contagious or communicable stage.

9. Operate a salon or school without being licensed pursuant to this chapter.

10. Violate any provision of this chapter or any rule adopted pursuant to this chapter.

11. Ignore or fail to comply with a board subpoena.

B. An instructor shall not render cosmetology, aesthetics or nail technology services in a school unless the services are directly incidental to the instruction of students.

C. A person who violates this section is guilty of a class 1 misdemeanor.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 147, § 23.

32-575. Injunctions

The board, the attorney general, a county attorney or any other person may apply to the superior court in the county in which acts or practices of any person which constitute a violation of this chapter or the rules adopted pursuant to this chapter are alleged to have occurred for an order enjoining those acts or practices.

Last legislative year: 1984

32-576. Confidentiality

A. Examination materials, records of examination grading and performance and transcripts of educational institutions are confidential and are not subject to inspection pursuant to Title 39, Chapter 1, Article 2.

B. All investigation files are confidential and are not subject to inspection pursuant to Title 39, Chapter 1, Article 2 until the matter is final. The licensee shall be informed of the investigation. The public may obtain information that discloses that an investigation is being conducted and the general nature of the investigation.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 147, § 24.

CHAPTER 32

HEALTH PROFESSIONALS

ARTICLE 1. GENERAL PROVISIONS

| Section | | Section | |
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| 32-3201. | Definitions. | 32-3209. | Release of information; fees. |
| 32-3202. | License or certificate suspension. | 32-3210. | Billing for laboratory costs; unprofessional conduct; definition. |
| 32-3203. | Malpractice claim investigation. | 32-3211. | Medical records; protocol; unprofessional conduct; corrective action; exemptions. |
| 32-3204. | Experimental diagnosis, therapy or treatment; implied consent; definition. | 32-3212. | Umbilical cord blood; patient; information; definition. |
| 32-3205. | Board disciplinary action; voting requirements. | | |
| 32-3206. | Disciplinary action; information; disclosure. | ARTICLE 2. COSMETIC LASER AND INJECTION PROCEDURES | |
| 32-3207. | Health professionals disease hazard; testing; petition; definition. | 32-3231. | Definitions. |
| 32-3208. | Criminal charges; mandatory reporting requirements; civil penalty. | 32-3232. | Supervision. |
| | | 32-3233. | Lasers; IPL devices; authorized use; authorized supervision. |
| | | 32-3234. | Laser safety fund. |

ARTICLE 2. COSMETIC LASER AND INJECTION PROCEDURES

32-3231. Definitions

In this article, unless the context otherwise requires:

1. "Administer" means the direct application, dispensing or furnishing a prescription medication or a prescription-only device, whether by injection or any other means, to the body of a patient by a health professional or by the health professional's authorized agent at the direction of the health professional.
2. "Aesthetician" has the same meaning prescribed in section 32-501.
3. "Agency" means the radiation regulatory agency.
4. "Cosmetic purpose" means for the purpose of beautifying, preserving or conferring comeliness, excluding therapeutic massage and manipulations.
5. "Directly supervised" means a health professional who is licensed in this state and whose scope of practice allows the supervision, supervises the use of a laser or IPL device for cosmetic purposes while the health professional is present at the facility where and when the device is being used.
6. "Indirect supervision" means supervision by a health professional who is licensed in this state and whose scope of practice allows the supervision and who is readily accessible by telecommunication.
7. "IPL device" has the same meaning prescribed in section 32-516.
8. "Laser" has the same meaning prescribed in section 32-516.
9. "Laser technician" means a person who is or has been certified by the agency pursuant to its rules and this article.
10. "Registrant" means a person or entity that owns or operates a laser or IPL device for which the application for registration is on file with the agency and that is in compliance with agency rules.

Last legislative year: 2008

Recent legislative history: Laws 2008,
Ch. 232, § 3.

32-3232. Supervision

Only a health professional, who has prescribing authority and who is acting within the health professional's scope of practice, may administer or supervise another health professional, who is acting within the health professional's scope of practice, in the administration of prescription medication or a prescription-only device for a cosmetic purpose pursuant to this article, whether by injection or any other means, to a patient.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 232, § 3.

32-3233. Lasers; IPL devices; authorized use; authorized supervision

A. A health professional may register, operate and use a laser or IPL device registered with the agency or administer drugs or devices for cosmetic purposes to the extent the use is allowed by the health professional's scope of practice and the health professional has completed any training required by the health professional's regulatory board and the agency.

B. A health professional may supervise another health professional in the use of a laser or IPL device for cosmetic purposes to the extent the supervision is allowed or required by the supervising health professional's scope of practice and the supervising health professional has completed any training required by the supervising health professional's regulatory board and the agency.

C. The health professional's regulatory board shall investigate any complaint from the public or another board or agency involving the training, education, supervision or use of a laser or IPL device. A health professional shall report to the agency any complaint received about the training or performance of a laser technician.

D. A health professional may supervise a laser technician in the use of a laser or IPL device for cosmetic purposes if:

1. The health professional is licensed pursuant to chapter 13, 14, 15, 17 or 25 of this title and the supervision is within the health professional's scope of practice.
2. The supervision does not conflict with the requirements of this article.
3. The laser technician has been certified by the agency to use a laser or IPL device for hair removal or other cosmetic procedures.

E. A laser technician who wishes to perform cosmetic laser procedures and procedures using IPL devices must:

1. Successfully complete forty hours of didactic training as required by agency rules at an agency certified training program. The program shall provide a provisional certificate to the applicant verifying the successful completion of the didactic training.

2. For hair removal, complete hands-on training that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of actual hands-on use of lasers or IPL devices. The supervising health professional or supervising laser technician shall verify that the laser technician has completed the training and supervision as prescribed by this section.

3. For other cosmetic laser and IPL device procedures, complete a minimum of an additional twenty-four hours of hands-on training of at least ten cosmetic procedures for each type of procedure that is supervised by a health professional who is acting within the health professional's scope of practice or by a laser technician who has a minimum of one hundred hours of hands-on experience per procedure. The health professional or laser technician must be present in the room during twenty-four hours of actual hands-on use of lasers or IPL devices. The supervising health professional or supervising laser technician shall verify that the laser technician has completed the training and supervision as prescribed by this section.

4. Submit to the agency the provisional certificate from the training program and certification by the health professional or laser technician who directly supervised the applicant in the room during the hands-on training.

F. The agency shall issue a laser technician certificate authorizing the use of lasers and IPL devices only for hair removal if the applicant meets the applicable requirements of subsection E, or for hair removal and other cosmetic procedures if the applicant meets the applicable requirements of subsection E. The agency shall maintain a current register of those laser technicians in good standing and whether certification is only for hair removal or for hair removal and other cosmetic procedures. The agency may establish a fee for the registration of laser technicians and the issuance of certificates pursuant to this subsection.

G. A laser technician who has been using laser and IPL devices before the effective date of this section may continue to do so if the laser technician applies for and receives a certificate pursuant to this section within one year after the effective date of this section.

H. A laser technician may use a laser or IPL device in the following circumstances:

1. For hair removal under the indirect supervision of a health professional whose scope of practice permits the supervision.

2. For cosmetic purposes other than hair removal if the laser technician is directly supervised by a health professional whose scope of practice permits the supervision.

I. The supervising health professional, the employer of a laser technician and the registrant who owns or operates the laser or IPL device are subject to disciplinary action by the appropriate regulatory board for any errors made by a laser technician or for the use of a laser or IPL device not allowed by this article. A person who employs a person who operates a laser or IPL device must report any misuse of a laser or IPL device to the operator's regulatory board and to the agency.

J. The agency shall investigate any complaint from a member of the public or another board or agency involving the training, education, practice or complaint of harm resulting from a laser technician performing procedures for cosmetic purposes under this article and shall take appropriate disciplinary action as necessary including revocation of the laser technician's certification or revocation of a registrant's or employer's license to own or operate a laser or IPL device.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 232, § 3.

32-3234. Laser safety fund

The laser safety fund is established consisting of fees collected by the agency pursuant to sections 32-516 and 32-3233. The agency shall administer the fund. Monies in the fund are continuously appropriated.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 232, § 3.